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## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RETTA KOWAL, STAFF DIRECTOR  
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June 12, 2009

Honorable Janet Napolitano  
Secretary  
Department of Homeland Security  
Washington, DC 20528

Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
Washington, DC 20460

Mr. Terrence C. Salt  
Principal Deputy Assistant Secretary of the Army (Civil Works)  
US Army Corps of Engineers  
Washington, DC 20314-1000

Dear Secretary Napolitano, Administrator Jackson, and Principal Deputy Assistant Secretary Salt:

I was notified yesterday that through its ongoing assessment of coal combustion residual facilities, the Environmental Protection Agency (EPA), has to date identified 44 coal combustion waste storage facilities nationwide that pose a "high hazard" to the public. The "high hazard" designation means the facilities are located in such a way that if these coal ash ponds were to fail, they would pose a threat to the lives of people nearby.

I have also been informed that EPA, after consulting with the Army Corps of Engineers and the Department of Homeland Security, has indicated that they cannot make the list of "high hazard" coal ash impoundment sites public, and that information regarding these sites can be shared only with Members of the Environment and Public Works Committee and the Committee's staff, and with other Members of Congress.

The public's right to know about threats in their communities is critically important. If these sites are so hazardous and if the neighborhoods nearby could be harmed irreparably, then I believe it is essential to let people know. In that way, they can press their local authorities who have responsibility for their safety to act now to make the sites safer.

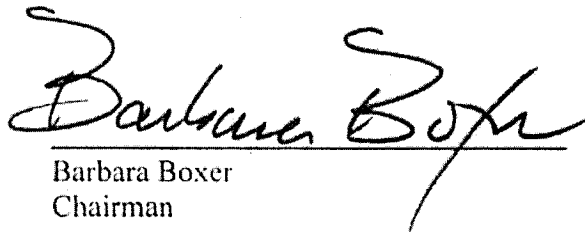
I am particularly concerned that the restrictions on disclosure of these high hazard coal ash sites may not be consistent with the treatment of similar information related to dams, Superfund toxic waste sites, and other similar facilities.

For example, we are aware that third parties have recently requested and received access to the National Inventory of Dams (NID) database, including information on each dam's hazard

rating, size, location and nearest city. In addition, similar state-collected data on dams may also be publicly available online.

I am writing to request all applicable information, documents and policies regarding restrictions on the public disclosure of high hazard coal ash waste sites and the government's handling of information related to similar facilities, including, but not limited to, dams, levees, chemical facilities, hazardous waste disposal sites and superfund toxic waste sites. I greatly appreciate your immediate attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "Barbara Boxer". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Barbara Boxer  
Chairman